IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO: 18188 of 2002

Between:

1. Manudri Appa Rao, R/o Madhurawada, Visakhapatnam.

2. Manudri Somulu, R/o Madhurawada, Visakhapatnam.

3. Manudri Rama Rao, R/o Madhurawada, Visakhapatnam.

4. Manudri Arjuna Rao, R/o Madhurawada, Visakhapatnam.

5. Manudri Kanaka Raju, R/o Madhurawada, Visakhapatnam.

... PETITIONERS

AND

1. The Executive Officer, Sri Embermannar Swamy Temple,

Kancheria Street, Visakhapatna.

2. The Government of Andhra Prades, rep. By it's

Principal Secretary, Endowments Dept. Secretariat, Hyd.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ, Order or direction, particularly a Writ in the nature of Mandamus, declaring the tender/ public auction notice published by the 1st respondent is illegal, unauthorized and contrary to the guidelines issued in G.O.Ms.No.405, Revenue (Endowment) 2 Department, dated 04.07.2002 and further direct the respondents herein to continue petitioners' tenancy by increasing the rate of rent in respect of the said land on par with prevailing rental value and pass such other order or orders.

Counsel for the Petitioner: MR.K.V.SUBRAMANYA NARASU

Counsel for the Respondents: Smt. M. Vidyavathi for R1

G.P for Endowments for R-2

The Court made the following Order:

ORDER:

Heard both sides.

2. The petitioners herein claiming to be in possession of the land in an extent of 9680 sq.yds (2 acres) in Sy.No.12, part in Madhurawada Village, Visakhapatnam, seek to assail, by way of Writ of Mandamus, the public auction sought to be conducted on 23-09-2002, as being contrary to the guidelines issued in G.O.Ms.No.405 dated 04-07-2002.

3. The case of the petitioners, in brief is that having regard to their claim as to the possession, they should have been allotted the very same lands even as per the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "The Act") and therefore the question of conducting any auction in respect of the very same lands does not arise. Hence, the present Writ Petition.

4. This Court has initially granted stay at the time of admission, which was subsequently vacated on 20-11-2002. However, on appeal, a Division Bench of this Court directed maintenance of *status quo*. In view of the same, it is submitted that petitioners continued to be in possession and therefore their case should also be required to be considered even as per the provisions of the Act.

5. Learned counsel, Smt. M. Vidyavathi, appearing for the

respondents herein, submits that having regard to the fact that possession was already taken on 27-09-1998 and since then, it is the Government which was in possession of the said lands; and the petitioners being employees, are not entitled to any indulgence even under the provisions of the Act. Having regard to the submissions made, it is seen that auction was held as long back as 2002 and which was virtually stayed due to the orders of *status quo* granted by the Division Bench of this Court as a result, the highest bidder whoever, is apparently not interested in finalization therein. In view of the same, nothing remains to be considered in this matter and especially, after the possession having been taken by the Government as stated by the learned counsel for the respondents.

Hence, the Writ Petition is dismissed. It shall however be open for the petitioners to avail any other remedies available under the provisions of the Act by filing an appropriate application before the competent authority, which shall enquire into, consider and dispose of the same in accordance with law.

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(B. PRAKASH RAO, J)

AUGUST 3, 2004

MRR/DSK

Copy to:

1. The Executive Officer, Sri Embermannar Swamy Temple,

Kancheria Street, Visakhapatna.

2. The Government of Andhra Prades, rep. By it's

Principal Secretary, Endowments Dept. Secretariat, Hyd.

3.Two C.D. Copies.

4.Two Copies to G.P for Endowments.